

ESTTA Tracking number: **ESTTA336993**

Filing date: **03/12/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91193616
Party	Defendant Xerox Corporation
Correspondence Address	XEROX CORPORATION PO BOX 4505 NORWALK, CT 06856-4505  marcia.wilkins@xerox.com
Submission	Answer
Filer's Name	Seana L. Watts
Filer's e-mail	seana.watts@xerox.com, marcia.wilkins@xerox.com
Signature	/Seana L. Watts/
Date	03/12/2010
Attachments	Answer.pdf ( 1 page )(78351 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

----- x

**3M Company,**

**Opposition No. 91193616**

**Opposer,**

**Trademark: TAC-IT**

**v.**

**Serial No.: 77/726,137**

**Xerox Corporation**

**App. Date: April 30, 2009**

**Applicant.**

----- x

**ANSWER TO NOTICE OF OPPOSITION**

The Applicant, Xerox Corporation, in Answer to the Notice of Opposition in the above-captioned proceedings, denies each and every allegation and averment of the Notice, except as expressly admitted or otherwise denied as set forth herein below; and regarding the preamble paragraph of the Notice, Applicant denies that Opposer is and will continue to be damaged by U.S. Trademark Application No. 77/726,137:

1. Applicant is without sufficient information to respond to the allegations contained in paragraph 1 of the Notice of Opposition and therefore denies same.
2. Applicant is without sufficient information to respond to the allegations contained in paragraph 2 of the Notice of Opposition and therefore denies same.
3. Applicant is without sufficient information to respond to the allegations contained in paragraph 3 of the Notice of Opposition and therefore denies same.
4. Applicant admits the allegations of paragraph 4.

5. Applicant admits that it filed application Serial No.77/726,137 on an intent-to-use basis on April 30, 2009 for the mark TAC-IT for "Identification cards" in Class 16.

6. Applicant is without sufficient information to respond to the allegations contained in paragraph 6 of the Notice of Opposition and therefore denies same.

7. Applicant admits that it has not filed an allegation of use in connection with the TAC-IT application.

8. Applicant is without sufficient information to respond to the allegations contained in paragraph 8 of the Notice of Opposition and therefore denies same.

9. Applicant is without sufficient information to respond to the allegations contained in paragraph 9 of the Notice of Opposition and therefore denies same.

10-12. Denied

13. Applicant is without sufficient information to respond to the allegations contained in paragraph 8 of the Notice of Opposition and therefore denies same.

14-16. Denied

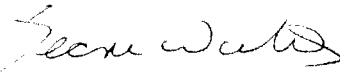
### **AFFIRMATIVE DEFENSES**

1. In its Notice, Opposer has failed to state a claim upon which relief can be granted.
2. Opposer's and Applicants marks are different in appearance, sound and meaning.
3. Applicant reserves the right to raise additional Affirmative Defenses as they may become known.

WHEREFORE, Applicant respectfully requests that the NOTICE OF OPPOSITION be denied.

Respectfully submitted,

**XEROX CORPORATION**

A handwritten signature in cursive script, appearing to read "Seana Watts".

Seana Watts  
Office of General Counsel  
45 Glover Ave  
Norwalk, CT 06856  
(203) 849-2373

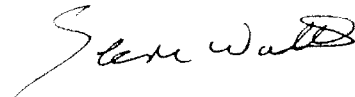
Dated: March 12, 2010

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and complete copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** has been sent by first class mail, postage prepaid, to:

**Bill Barber  
PirkeyBarber LLP  
600 Congress Avenue, Suite 2120  
Austin, Texas 78701**

on March 12, 2010.

  
SEANA L. WATTS